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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/697,237

10/31/2003

Nobuyuki Nonaka

SHO-0045

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EXAMINER

MOSSER, ROBERT E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

05/24/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/697,237 | <b>Applicant(s)</b><br>NONAKA, NOBUYUKI |  |
|                              | <b>Examiner</b><br>ROBERT MOSSER     | <b>Art Unit</b><br>3714                 |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8,9,11-13,15,16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8,9,11-13,15,16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 February 2010 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **8, 9, 11-13**, and **18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al (US 2005/0192090) in view of Loose et al (US 6,517,433) further in view of Nishiyama et al (US 6,507,385).

Claims **8, 11, 12**, and **18**: Muir teaches a gaming machine including:

a display device displaying a plurality of symbols thereon (*Muir* Figure 8, Paragraph 41);

a liquid crystal shutter placed in front of the display device and selectively enabling the transparent viewing of the display device based on the state of the shutter responsive to predetermined conditions (*Muir* Figure 8, Paragraph 61-65);

a liquid crystal display device placed in front of the display device and the liquid crystal shutter (*Muir* Figure 8, Paragraph 48); and

a controller for controlling the operation (*Muir* Paragraph 45) and configured to:

determine and display a symbol arrangement for display on the display device (*Muir* Paragraph 41, 52);

block the viewing of the display device through the use of the liquid crystal shutter if the determined symbol arrangement matches a predetermined symbol arrangement (*Muir* Paragraph 52, 65); and

display an image on the liquid crystal display device when the viewing of the display device is blocked through the use of the liquid crystal shutter (*Muir* Paragraph 62, 64, 65).

*Muir* teaches the invention as set forth above, however while *Muir* teaches the use of the Shutter mechanism to selectively display the contents of the liquid crystal display and the utilization of the LCD display based on a reel outcome, *Muir* arguably does not tie the use of the shutter mechanism to the reel outcome. In a related invention *Loose* teaches the use of a reel game with various randomly selected (alternatively described by applicant as lottery) outcomes wherein based on the occurrence of a predetermined outcome an overlaid liquid crystal display is activated and

in addition thereto Loose further teaches that an extendable opaque shade may be used during the bonus game to enable clear viewing of the liquid crystal display device (*Loose* Col 3:27-4:3; 4:28-57; 5:24-51). It would have been obvious to one of ordinary skill in the art at the time of invention to have utilized the opaque shading device/shutter during a bonus game as taught by Loose in the invention of Muir in order to ensure clear viewing of the bonus game during operation.

The combination of Muir & Loose teach the invention as cited above and including as presented therein the use of liquid crystal shutter mechanisms which inhibit or permit the transmission of light based the application of an electrical signal, however the combination does not speak to the particulars of whether the liquid crystal shutter is of a type which is normally transparent when voltage is not applied alternatively described as normally white. In a related liquid crystal invention Nishiyama teaches that it is known to configure shutter type liquid crystal devices in a normally white mode (*Nishiyama* Col 14:6-17). It would have been obvious to one of ordinary skill in the art at the time of invention to have utilized a liquid crystal shutter of a normally white type as taught by Nishiyama in the combination of Muir & Loose in order to conserve power while the shutter was not in use.

**Claims 9 and 13:** The combination of Muir, Loose & Nishiyama teaches the utilization of the shutter mechanism during the establishment of a special prize (bonus game) and during the non-establishment of a special prize (*Muir* paragraphs 12, 51, 63-65; *Loose* Col 4:28-40, 4:58-5:23, 5:31-51 ).

Claims **15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al (US 2005/0192090) in view of Loose et al (US 6,517,433) further in view of Nishiyama et al (US 6,507,385) as applied to claims **8, 9,11-13**, and **18** above and further in view of Okada (US 4,573,681)

The combination of Muir, Loose & Nishiyama teach the invention as cited above including the incorporation a reel display device and shutter device capable of selectively blocking the images of the reels. The combination of Muir, Loose & Nishiyama however is arguably silent regarding the time based sequential modification of the display device. In a related application Okada teaches the time based sequential modification of the display device (*Okada* Col 2:32-48). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the time based sequential modification of the display device of Okada in the combination Muir, Loose & Nishiyama in order to extend the players anticipation of a game result by lengthening the period time wherein the game result is revealed.

### ***Response to Arguments***

Applicant's arguments entered April 1<sup>st</sup>, 2010 have been fully considered but they are not persuasive.

In pages 7 through 10 of the applicant's remarks the applicant commonly argues that the claimed invention utilizes normally white liquid crystal shutters and that the combination of prior art allegedly does not recognize the use of normally white liquid

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crystal shutters. However as noted in the advisory action mailed March 11<sup>th</sup>, 2010 notes, normally white liquid crystal shutters were known at the time of invention as evidenced by the prior art of Nishiyama in the combination of references relied upon in the rejection of claims. The applicant's arguments appear to focus on clarifying that a normally white liquid crystal shutter is clear in the absence of an electrical signal. The applicant's discussion, however mirrors the disclosure of Nishiyama regarding the utilization of normally white liquid crystal display shutters and does not provide any basis for separation there between. Additionally the applicant's remarks do not address the teaching of Nishiyama regarding this feature nor the combination of references that cumulatively teaches the utilization of liquid crystal shutter technology in gaming devices. Accordingly the rejection of claims is maintained as presented herein above.

### ***Conclusion***

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT MOSSER whose telephone number is (571)272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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